

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD APRIL 2, 2001 AT 1:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Raymond Graham, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the Agenda.

PROPOSED POLICY TO REQUIRE FUTURE DEBT ISSUED BY FAUQUIER COUNTY BE SUBJECT TO REFERENDUM

A work session was held to discuss whether the County should require that future debt decisions be approved by voter referendum.

PUBLIC SAFETY RADIO SYSTEM

A work session was held to receive an update on the status of the public safety radio system.

DISCUSSION OF A PROPOSAL TO CREATE A STANDING CONSTRUCTION COMMITTEE OF THE BOARD OF SUPERVISORS

A work session was held to consider a proposal to create a standing construction committee of the Board of Supervisors.

PROPOSED FAUQUIER COUNTY OFFICE SPACE PLAN

A work session was held to review and discuss the proposed Fauquier County office space plan.

PROPOSAL TO CREATE A FAUQUIER COUNTY TOURISM TASK FORCE

A work session was held to discuss a proposal to create a tourism task force.

REVIEW OF THE PROPOSED FAUQUIER COUNTY ECONOMIC DEVELOPMENT PLAN

A work session was held to review the proposed Fauquier County Economic Development Plan.

The meeting was recessed to reconvene in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the Agenda subject to moving Fauquier County Code Amendment – Chapter 9, Article VI – Local Law Enforcement of the Fire Prevention Code from

the Regular Agenda to the Consent Agenda. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

CITIZENS TIME

John Juliano, Marshall District, informed the Board of Supervisors that he had called 911 on his cell phone to report an accident. He said that it took rescue personnel forty minutes to get to the scene because he was not able to give a fixed address. Mr. Juliano asked the Board to consider upgrades to the 911 system so that reporting a fixed address would not be necessary.

CONSENT AGENDA

Mr. Winkelmann moved to adopt the following Consent Agenda items. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the Fauquier County Board of Supervisors March 5, 2001 Regular Meeting and the March 12, 2001 Adjourned Meeting

A Resolution to Adopt the Fauquier County Economic Development Plan as Submitted by the Fauquier County Economic Development Advisory Council

RESOLUTION

A RESOLUTION TO ADOPT THE FAUQUIER COUNTY PLAN FOR ECONOMIC DEVELOPMENT AS SUBMITTED BY THE FAUQUIER COUNTY ECONOMIC DEVELOPMENT ADVISORY COUNCIL

WHEREAS, the Fauquier County Board of Supervisors requested that the Fauquier

County Economic Development Advisory Council review and prepare an Economic Development Plan as a guide for the economic future of Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors supports the economic growth of Fauquier County as a means to expand the tax base of the County and as a means to provide expanded job opportunities to County residents; and

WHEREAS, the Fauquier County Board of Supervisors supports a carefully managed plan for economic growth that ensures an unique environment that is conducive to a high quality of life for families and businesses; and

WHEREAS, the *Fauquier County, Virginia – Planning For Economic Development* plan addresses economic opportunities in agriculture, foundations/non-profits, low impact manufacturing, technology, and tourism; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 2nd day of April 2001, That the Board of Supervisors does hereby approve the *Fauquier County, Virginia – Planning For Economic Development* plan as submitted by the Fauquier County Economic Development Advisory Council; and, be it

RESOLVED FURTHER, That the Fauquier County Economic Development Advisory Council is commended for its diligent work in researching and preparing the *Fauquier County, Virginia – Planning For Economic Development* plan; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors directs the Fauquier County Department of Economic Development to work to implement the recommendations of the *Fauquier County, Virginia – Planning For Economic Development* plan.

A Resolution to Authorize Establishment of the Fauquier County Tourism Task Force as Recommended by the Fauquier County Economic Development Advisory Council

RESOLUTION

A RESOLUTION TO AUTHORIZE ESTABLISHMENT OF THE FAUQUIER COUNTY TOURISM TASK FORCE AS RECOMMENDED BY THE FAUQUIER COUNTY ECONOMIC DEVELOPMENT ADVISORY COUNCIL

WHEREAS, the Fauquier County Board of Supervisors recognizes the economic importance of the tourism/hospitality industry to Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors further recognizes the outstanding efforts of many individuals and organizations to expand and enhance the tourism potential of Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors understands that the nature of tourism in Fauquier County is expanding into new areas including heritage tourism, ecological tourism and agricultural tourism; and

WHEREAS, tourism is identified as one of the five key areas of emphasis in the Fauquier County, Virginia – Planning For Economic Development plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 2nd day of April 2001, That the Board of Supervisors does hereby authorize establishment of a Fauquier County Tourism Task Force to assess the potential and appropriate structure of the possible expansion of the tourism program in Fauquier County; and, be it

RESOLVED FURTHER, That the Fauquier County Tourism Task Force report to the Fauquier County Board of Supervisors within a ninety-day period with recommendations for consideration of any necessary actions.

A Resolution Authorizing the County Administrator to Enter Into an Agreement Extending the Cable Franchise Agreement for a Period Not to Exceed Four Months

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO

ENTER INTO AN AGREEMENT EXTENDING THE CABLE FRANCHISE AGREEMENT FOR A PERIOD NOT TO EXCEED FOUR MONTHS

WHEREAS, the Franchise Agreement between the County of Fauquier and Prestige Cable is due to expire on April 15, 2001; and

WHEREAS, the County has approved the transfer of the franchise from Prestige Cable to Adelphia Prestige Cablevision, LLC, *d/b/a* Adelphia Cable Communications (hereinafter "Adelphia"); and

WHEREAS, Adelphia and the County have entered into informal negotiations for the renewal of the franchise pursuant to the applicable provisions of the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996; and

WHEREAS, the parties deem it in their best interests to extend the existing franchise to allow continued negotiations for the renewal of the franchise; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 2nd day of April 2001, That the County Administrator be, and is hereby, authorized to execute an agreement with Adelphia Prestige Cablevision, LLC, *d/b/a* Adelphia Cable Communications, to extend the Franchise Agreement through August 15, 2001, with all terms and conditions, including the 5% franchise fee, to remain in full force and effect.

A Resolution to Authorize FY 2001 Budget Transfers and Supplemental Appropriations in the Amount of \$238,173

RESOLUTION

A RESOLUTION TO AUTHORIZE FY 2001 BUDGET TRANSFERS
AND SUPPLEMENTAL APPROPRIATIONS IN THE AMOUNT OF \$238,173

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, the Sheriff's Office requested appropriation of \$721 from the Share of Forfeiture Proceeds from State funding and \$1,111 for Share of Forfeiture Proceeds – DEA Group 33 from Federal funding; and

WHEREAS, the School Division requested appropriation of \$236,341 for Liberty High School air quality issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 2nd day of April 2001, That the sum of \$238,173 be carried over, transferred, de-appropriated, appropriated and hereby approved as follows:

Source	FROM		Department	TO	
	Code	Amount		Code	Amount
State Funds	3-100-244100-0150	\$721	Sheriff's Office	4-100-031240-8201	\$721
Federal Funds	3-100-331000-0040	\$1,111	Sheriff's Office	4-100-031230-8201	\$1,111
Fund Balance	3-100-419000-0010	\$236,341	CIP	4-302-094615-8210	\$236,341
TOTAL		\$238,173			\$238,173

A Resolution to Appropriate \$1,673.54 to the Fauquier SPCA for Revenues Received from the Animal Friendly License Plate Program

RESOLUTION

A RESOLUTION TO APPROPRIATE \$1,673.54 TO THE
FAUQUIER SPCA FOR REVENUE RECEIVED FROM
THE ANIMAL FRIENDLY LICENSE PLATES PROGRAM

BE IT RESOLVED by the Fauquier County Board of Supervisors this 2nd day of April 2001, That the sum of \$1,673.54 received by Fauquier County from the Commonwealth of Virginia based on the sale of Animal Friendly license plates be, and is hereby, appropriated for donation to the Fauquier SPCA, Inc., for the exclusive use by that organization for the sterilization of dogs and cats.

A Resolution to Authorize the Chairman to Enter Into Open Space Agreements with Landowners

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER
INTO OPEN SPACE AGREEMENTS WITH LANDOWNERS

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space pursuant to Section 58.1-3233 of the

Code of Virginia, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use commitment between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources as set forth in the Manual of the State Land Evaluation Advisory Council (1992); and

WHEREAS, the hereinafter identified landowners have requested that the Board of Supervisors enter into an Open Space Use Agreement for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category; and

WHEREAS, the Board of Supervisors, by adoption of this resolution, has determined that the hereinafter described land meets the general and specific standards as promulgated by the Director of the Department of Conservation and Historic Resources for entering into an Open Space Use Agreement committing the landowner not to change the use of the land to a non-qualifying use for a time period of eight years; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 2nd day of April 2001, That the Chairman be, and is hereby, authorized to execute, on behalf of the Board of Supervisors, an Open Space Use Agreement with the hereinafter identified landowners:

NAME	IDENTIFICATION	ACREAGE
RENEWAL Teague, John J.	6997-86-9103-000	158.5239
	7907-04-8535-000	.8692
	5654 Georgetown Rd.	
	Broad Run, VA 20137	
Schwartz, Peter B. and Moser, Anna M.	6042-19-7412-000	50.71
	PO Box 159	
	Delaplane, VA 20144	
Reiter, Bradley M. and Christy E.	6959-54-2628-000	25.0057
	4449 Mountain Laurel Ln.	
	Marshall, VA 20115-3047	

; and, be it

RESOLVED FURTHER, That upon execution and recordation of the agreement, the described real estate shall be eligible for classification as Open Space under the Fauquier County Special Land Assessment Program.

A Resolution to Accept Alwington Boulevard Into the Secondary Highway System

RESOLUTION

A RESOLUTION TO ACCEPT ALWINGTON BOULEVARD INTO THE SECONDARY HIGHWAY SYSTEM

WHEREAS, the street on the sketch titled "Alwington Boulevard, Marshall Magisterial District, Fauquier County" dated March 21, 2001, and described on the Additions Form SR-5 (A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation have entered into an agreement on February 7, 1995, for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 2nd day of April 2001, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described street into the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That this Board does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet along Alwington Boulevard, with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 818, Page 60, dated October 6, 1998; Deed Book 821, Page 956, dated November 13, 1998; and Deed Book 843, Page 273; dated June 28, 1999; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Fauquier County Code Amendment – Chapter 9, Article VI – Local Law Enforcement of the Fire Prevention Code

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 9 OF THE CODE OF
FAUQUIER COUNTY TO ADD ARTICLE VI TITLED LOCAL
LAW ENFORCEMENT OF THE FIRE PREVENTION CODE

WHEREAS, the Public Safety Committee has recommended the Fauquier County Board of Supervisors set a public hearing to adopt local enforcement of the Statewide Fire Prevention Code; and

WHEREAS, the need for local enforcement of the Statewide Fire Prevention Code has recently been identified; and

WHEREAS, other localities have demonstrated the ability to adopt enforcement of the Statewide Fire Prevention Code by complaint and discovery only; and

WHEREAS, the Emergency Services Coordinator would enforce the Statewide Fire Prevention Code, as written, by complaint and discovery only; and

WHEREAS, only blasting permits would be required and administered through the Office of Emergency Services without an applicable fee; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 2nd day of April 2001, That Chapter 9 of the Fauquier County Code be, and is hereby, amended to add Article VI titled Local Law Enforcement of the Fire Prevention Code effective July 1, 2001.

ARTICLE VI. LOCAL LAW ENFORCEMENT OF THE FIRE PREVENTION CODE

Sec. 9-27. Office of Fire Marshall created; deputies; appointments; term.

- (a) The office of the county fire marshal is hereby created.
- (b) The Board of Supervisors shall appoint a county fire marshal, who may appoint such deputy and assistant fire marshals as deemed appropriate, whose powers and duties shall be as set forth in this chapter and as authorized by the Code of Virginia.
- (c) The county fire marshal shall not be appointed for a definite tenure, but shall continue contingent upon and subject to the personnel rules of the county.

Sec. 9-28. Oaths of office.

The county fire marshal, deputy county fire marshal and members of the fire marshal's staff, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their offices.

Sec. 9-29. General powers and duties.

The fire marshal and his deputies or assistants shall have such powers and duties as are prescribed by state law and by this chapter and other ordinances of the county.

Sec. 9-30. Impersonation.

It shall be unlawful and a Class 1 misdemeanor for any unauthorized person to use a badge, uniform or any other credentials, so as to gain access to any building, marine vessel, vehicle or premises, or to otherwise falsely identify himself as the fire marshal or his designated representative.

Sec. 9-31. Fire Prevention Code adopted; enforcement; availability for reference.

- (a) There is hereby adopted, for the purpose of prescribing regulations to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling and use of substances, materials and devices, wherever located, that certain code known as the Virginia Statewide Fire Prevention Code, as amended, save and except such portions as are deleted, modified or amended by this article, and the same is hereby adopted and incorporated as fully as if set out at length herein.
- (b) The fire marshal shall have responsibility for enforcement of the fire prevention code. The enforcement procedures of the fire prevention code shall be instituted by the fire official when an unsafe condition is discovered by the fire official or reported to the fire official. The term "fire official," as used in the fire prevention code, shall mean the fire marshal or his designee.
- (c) At least one (1) copy of the fire prevention code adopted in paragraph (a) above shall be on file in the office of the fire marshal, and same shall be available for inspection between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday inclusive, except for legal holidays.
- (d) Section F-403 of the BOCA National Fire Prevention Code 1996 edition, as amended, concerning open burning, which is adopted and incorporated in the Virginia Statewide Fire Prevention Code, has been modified and superseded in the county by Article V of Chapter 9 of this Code (Open Burning).

Sec. 9-32. Appeals

The County Board of Building Code Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the Statewide Fire Prevention Code.

FAUQUIER COUNTY CODE AMENDMENT – SECTION 5-9 – PROPOSED CHANGES TO THE OFFICIAL STREET NAMES AND PROPERTY NUMBERING ATLAS

A public hearing was held at the February 20, 2001 meeting to consider a request to amend Section 5-9 of the Fauquier County Code to change McDonalds Lane to Buck Run Road and Jeffersonton Road to Jefferson Road. Mr. Atherton moved to deny the requests. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS TO SIGN A GROUNDWATER USE MANAGEMENT AND WATER SUPPLY MITIGATION PLANS AGREEMENT FOR THE REMINGTON PEAKING POWER PLANT COMBUSTION TURBINE FACILITY

Ms. McCamy moved to table the decision to authorize the Chairman to sign a groundwater use management and water supply mitigation plans agreement for the Remington Peaking Power Plant Combustion Turbine Facility until the April 16, 2001 meeting. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

APPOINTMENTS

By unanimous consent, Ray Graham was appointed to the Airport Committee to fill an unexpired term representing Cedar Run District.

By unanimous consent, Jim Van Luven was appointed Chairman of the Airport Committee.

SUPERVISORS TIME

- Ms. McCamy commended Fauquier County citizens for participating in the Planning Commission public hearing regarding the power plant.

REVISION TO THE FAUQUIER COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT FEE SCHEDULE

A public hearing was held to consider revisions to the Fauquier County Department of Community Development fee schedule. No one spoke. The public hearing was closed. Mr. Winkelmann moved to table the decision until the April 16, 2001 meeting. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

ROUTE 17 DESIGNATION AS A SECONDARY ROAD

A public hearing was held to receive citizens' comments regarding a resolution adopted by the Board of Supervisors at its January 16, 2001 meeting to request that the Virginia Department of Transportation remove a section of Route 17 in Fauquier County from I-66 to Route 50 from the primary road system and add it to the state secondary system. The following persons spoke:

Gray Coyner spoke in favor of adding Route 17 to the secondary road system.

Jolly deGive spoke in favor of adding Route 17 to the secondary road system.

Don Marro spoke in favor of adding Route 17 to the secondary road system.

In a show of hands, forty-two people indicated that they were in favor of adding Route 17 to the secondary road system.

Bob Sowder urged the Board of Supervisors to conduct a traffic study prior to changing the status of Route 17.

Darlene Legg spoke in opposition to adding Route 17 to the secondary road system.

Jane Lawson, representing Possum Hollow Homeowners Association, spoke in favor of adding Route 17 to the secondary road system.

Tom Davenport spoke in favor of adding Route 17 to the secondary road system.

Jim Rankin warned the Board of Supervisors that changing the status of Route 17 from primary to secondary would warrant maintenance funds coming out of local allocations for secondary roads.

Tom Rawlings spoke in favor of adding Route 17 to the secondary road system.

In a show of hands, thirteen people indicated that they were opposed to adding Route 17 to the secondary road system.

No one else spoke. The public hearing was closed. No action was taken.

With no further business, the meeting was adjourned.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on April 2, 2001.

G. Robert Lee

Clerk